

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

-v-

SOLIMAN S. BIHEIRI

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Case No. **03-365-A**

SUPPLEMENTAL DECLARATION IN SUPPORT OF PRE-TRIAL DETENTION

I, David Kane, a Senior Special Agent with the Bureau of Immigration and Customs Enforcement ("ICE"), under the Department of Homeland Security in Washington, DC, declare and state:

1. As stated in my initial Declaration in Support of Pre-Trial Detention, I interviewed Soliman Biheiri on his arrival back into the United States.

YOUSSEF AL QARADAWI

2. I asked Mr. Biheiri about his association with Sheik Youssef Al Qaradawi, an Islamist who has been barred from entry into the United States. Qaradawi is reputed to be among the most influential clerics in Islamist groups and organizations.

3. I have spoken to Veronica Cates, an INS (now Immigration and Customs Enforcement) Agent, who participated in the process that resulted in the revocation of Qaradawi's visa which had previously entitled him to free entry to the United States. She stated that the INS submitted its report recommending such revocation on November 1999 and the State Department acted to revoke the visa shortly thereafter.

4. Biheiri stated that he knew Qaradawi well. He stated that Qaradawi was a high ranking

member of the Muslim Brotherhood¹ who had been expelled from Egypt. In the contacts folder he maintained on his laptop, Biheiri maintained a listing for “Yussuf Alkaradawy” of Qatar, whom I believe to be one and the same as Youssef Al Qaradawi.

5. According to the congressional testimony of Steven Emerson before the House Committee on Financial Services, dated February 12, 2002, Qaradawi is on Bank al-Taqwa's Shari'ah Board and one of al-Taqwa's largest shareholders as of December 31, 1999 with over 5,000 shares. Qaradawi resides in Qatar and is one of the most popular clerics in the Muslim Brotherhood movement.

6. Bank al-Taqwa and its founder, Youssef Nada, were designated SDGT's pursuant to Executive Order 13224, on November 7, 2001.

7. Mr. Biheiri told me that Qaradawi was an Egyptian born cleric and one of the most respected clerics in the Middle East. He related that Qaradawi is a senior Muslim Brotherhood member. Biheiri told me that he first met Qaradawi in Qatar many years ago. He related that Qaradawi was the chairman of the Qatar Bank Sharia Board and that he is virulently anti-American.

8. In a sermon (Khutba) Qaradawi delivered in March 1996, that was made available on what was then the official website of Hamas (<http://www.palestine-info.net>), Qaradawi stated that Hamas and Islamic Jihad suicide bombers are not engaged in terrorism, but rather in

¹The Muslim Brotherhood is an Islamist organization founded in Egypt in 1928 by Hassan Al-Banna. According to the website “Muslim Brotherhood Movement” (<http://www.ummah.org.uk/ikhwan/index.html>), the Muslim Brotherhood has branches in over 70 countries around the world. The headquarters of the Muslim Brotherhood is still in Egypt. The Muslim Brotherhood seeks to achieve global ummah, i.e., a global Islamic theocracy.

martyrdom, and that all members of Israeli society are valid targets for terrorism due to Israel's universal conscription policy.

9. A lecture delivered by Qaradawi about Jihad, from March 14, 1997, which was on Qaradawi's website (<http://www.qaradawi.net>), and an English explanation of the first paragraph of the Arabic text found on the website stated the following:

Qaradawi reaffirmed that the Jihad is the only weapon to stop the Israeli ambitions. He demanded that the Islamic organizations Hamas, Jihad and Hezbollah will recommence their Jihad against the Jews in the Occupied Land. He called for the revival of the Intifadah in the face of the enemy which submits only to the logic of power.

10. The September 1999 edition of the *Palestine Times*, in an article entitled "Sheikh Yousuf al-Qaradawi: Hamas and the Islamic Jihad represent the glorious face of the Islamic Umma- Interview" Qaradawi stated:

The Islamic resistance in Lebanon and Palestine represents the glorious face of the Muslim Umma and se

11. In the same article, Qaradawi blesses "the martyrdom operations in which a given Muslim fighter turns himself or herself into a human bomb that casts terror in the hearts of the enemy. . . . If we can't carry out acts of Jihad ourselves, we at least should support and prop up the Mujahideen financially and morally so that they will be steadfast until God's victory."

12. In a speech delivered by Qaradawi at the 1995 Muslim Arab Youth Association (MAYA) conference held in Toledo, Ohio, Qaradawi made the following statements:

This is what is told in the Hadith of Ibn-Omar and the Hadith of Abu-Hurairah: "You shall continue to fight the Jews and they will fight you, until the Muslims will kill them. And the Jew will hide behind the stone and the tree, and the stone and the tree will say: 'Oh, servant of Allah, oh Muslim, this is a Jew behind me. Come and kill him!' The resurrection will not come before this happens.

13. According to the Middle East Media Research Institute, in an article entitled “Leading Egyptian Islamic Clerics on Jihad Against U.S. Troops in Iraq: March – August 2003,” dated August 14, 2003, Qaradawi told the Islamist *Al-Quds Press* :

Those killed fighting the American forces are martyrs given their good intentions since they consider these invading troops an enemy within their territories but without their will.

14. According to the article, the date of Qaradawi’s statement was January 8, 2003. The statement was taken from the website Islam for Today (www.islamfortoday.com), in an article entitled “Those Who Die Fighting US Occupation Forces are Martyrs.” I have reviewed the article on the Islam for Today website.

TAREQ SUWAIDAN

15. I have reviewed the Articles of Incorporation for Kadi International, Inc., a New Jersey corporation organized on July 31, 1991. The President of the company is Yasin al-Kadi, who in my prior Declaration I stated, was designated an SDGT on October 12, 2001. The Vice-President/Secretary of Kadi International was Tareq Al-Swaidan. I have reviewed several statements made by Dr. Tareq Suwaidan, who is a Kuwaiti businessman and lecturer. I believe this individual and the Tareq Al-Swaidan on the articles of incorporation are one and the same. In fact, I have examined a document entitled “Management Consultancy Agreement Between Kadi International, Inc. and BMI Real Estate Development, Inc.. This document is executed on behalf of Kadi International by its Vice President. While the typed signature block reads “Dr. Tareq Al-Swaidan,” the written signature appears to be spelled “Tareq Al-Suwaidan.”

16. According to the Chicago Sun Times newspaper in an article entitled “Muslims Urged to Liberate the ‘Holy Land,’” dated November 25, 2000, Tareq Al Suwaidan, addressed the attendees at a Palestinian Convention in Rosemont, Ill. He stated:

Muslims would give their blood, Muslims would give their hearts,
Muslims would sacrifice their sons for the Holy mosque of Al
Aqsa.

17. A transcript of video of that same conference, shows Suwaidan stating:

Palestine will not be liberated but through Jihad. Nothing can be
achieved without sacrificing blood. The Jews will meet their end at
our hands.

18. The article reported another statement by Suwaidan. Referring to the Israeli-Palestinian conflict Suwaidan stated:

Anyone who tries to mess around with this. . . . will be faced with
the whole Muslim world moving as one . . . You are the spear that
would liberate the Holy land. Every Muslim in the world is behind
You.

19. The *Toronto Star* newspaper, in an article entitled “Help Cure West’s Ills, Muslims Told,” dated January 6, 2003, reported that Tareq Suwaidan addressed more than 2000 persons at the “Reviving the Islamic Spirit Conference” in Toronto. The article identified Suwaidan as American educated and a member of the Kuwaiti branch of the Muslim Brotherhood. He was quoted as saying:

It (the West) will continue to grow until an outside force hits it and
you will be surprised at how quickly it falls. . . . It is the duty of
local Muslims to help cure America’s inner decay.

20. According to the article Suwaidan explained that civilizations historically fall because of a combination of two things. “One of them is to be from within rotten - no ethics, no family structure, injustice, materialistic world.” He stated that corruption was not enough. “The second thing that must happen for a civilization to collapse is an attack from the outside.”

ABDULLAH BIN LADIN

21. During the interview, Mr. Biheiri told me that Abdullah bin Ladin invested with the BMI group of companies. He identified Abdullah bin Laden as the nephew of Usama bin Ladin. Biheiri stated that Abdullah bin Laden invested at total \$500,000 with Biheiri’s BMI Real Estate Development Limited Partnership and BMI Construction Fund Limited Partnership.

22. Biheiri told me that Abdullah Bin Ladin was also the incorporator and head of the United States branch of the World Assembly of Muslim Youth (WAMY) in Northern Virginia. According to WAMY’s United States website, www.wamyusa.org, WAMY is a Saudi Arabian non-governmental organization based in Riyadh and founded in 1972. Biheiri added that Ahmad Totonji was the first secretary of WAMY in Saudi Arabia and was also a founder of the organization.

23. According to the testimony of Steven Emerson and Jonathan Levin before Senate Committee on Governmental Affairs, dated July 31, 2003, WAMY is the world's largest Muslim youth organization. According to a letter signed by WAMY Assistant Secretary General Dr. Hameed al Shaygi, which I have reviewed, WAMY has offices in London, Washington DC, Kuala Lumpur, Auckland, Dhaka, Nairobi, Dakar, Moscow, Cordoba (Argentina), and headquarters in Riyadh. According to WAMY's United States website, (www.wamyusa.org)

WAMY is a Saudi based non-governmental organization with “66 regional, local offices and representatives in the five continents.”

24. According to its Articles of Incorporation, WAMY's United States office, WAMY International, Inc., was incorporated in Falls Church, Virginia, on February 13, 1992 by Abdullah bin Laden, who is identified in the by-laws dated October 10, 1992 as the President of WAMY. WAMY International, Inc. is treated as a charity exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code. Abdullah continued to be listed on WAMY's IRS Forms 990 through at least 1998.

25. According to the Application for Recognition of Exemption Under Section 501(c)(3) (Form 1023), signed by Abdullah bin Ladin on October 10, 1992, WAMY's activities were to include:

WAMY will host many forums in which to educate the general public about the muslim culture with the object of fostering *understanding and tolerance of all cultures.*

WAMY will sponsor seminars and workshops to *promote goodwill and understanding among muslim youth and the youth of other cultures.*

WAMY will conduct scholarly research . . . the research may be disseminated through various forms of literature, including pamphlets, research papers, scholarly articles, and newsletters. WAMY will distribute the literature to public libraries, colleges and universities for no charge.

26. WAMY's goal, according to its pamphlet *Islam at a Glance* (posted on the website www.wamyusa.org) is to "arm the Muslim youth with full confidence in the supremacy of the Islamic system over other systems."

27. In the course of my investigation I have reviewed certain publications, or translations of these publications, for which WAMY is responsible. These include the book *Islamic Camps: Objectives, Program Outlines and Preparatory Steps*, which states that it is prepared by the Camps and Conferences Unit of WAMY. According to the book, the target audience for its teachings are youths between the ages of 14-18.

Ask the kuffaar [infidels]: who repelled their tyrants?

And ask the mushrikeen [literally polytheists]: who terrified their supporters?

Ask the world: who shook its monarchs?

* * *

Hail! Hail! O Sacrificing Soldiers! To Us! To Us!

So we may defend the flag on this Day of Jihad, are you miserly with your blood?!

And has life become dearer to you? And staying behind sweeter?

Is staying in this world of torment more pleasing to us?

You are amongst those called upon by Destiny.

Come! So we may revive the times the times of our predecessors!

28. According to the article "The Roots of Terror" dated December 5, 2002 and published on National Review Online (www.nationalreviewonline.com), the WAMY book entitled *Islamic Views* states:

[T]each our children to love taking revenge on the Jews and the oppressors, and teach them that our youngsters will liberate Palestine and al-Quds when they go back to Islam and make Jihad for the sake of Allah.

29. WAMY claimed credit as the organization which compiled and published the book *A Handy Encyclopedia of Contemporary Religions and Sects* (which is published in Arabic). I have reviewed a translation of various portions of this work, which are set forth below.

30. The section "Heroes from Palestine" lists the names of individuals who attacked Israeli citizens, including a highly publicized incident in which Abdel-Hadi Nemim hijacked and drove a civilian bus over a cliff, killing 14 people.

31. Under the section entitled "Animosity Toward the Jews," WAMY lists reasons for Muslims to hate Jews stating:

[T]he seed of the Gulf-war was planted by a Jew; the Jews are enemies of the faithful, God and the angels; The Jews are humanity's enemies; they foment immorality in this world; The Jews are deceitful, they say something but mean the exact opposite; Who was behind the biological crisis which became like brain washing? A Jew; Who was behind the disintegration of family life and values? A Jew; The one that stirred-up hate and turned the individuals against their Muslim governments in the Arab peninsula - a Jew; Who promoted Atheism and made the countries thrive on Muslims' blood? The Jews; Every tragedy that inflicts the Muslims is caused by the Jews.

32. According to the Prepared Testimony of Dr. Dore Gold, President of the Jerusalem Center for Public Affairs and Former Israeli Ambassador to the United Nations, before the Senate Committee on Governmental Affairs, on the subject of "Saudi Support for International Terrorism: Background and Current Developments," the strongest of ties between the Saudi government and international terrorism exist in the Saudi support of HAMAS. He stated:

These ties were alleged already in the mid-1990s when a Hamas funding group received instructions to write letters of thanks to executives of IIRO and WAMY for funds it had received.

33. According to the testimony of Jonathan Winer, former Deputy Secretary of State for International Law Enforcement in testimony before the Senate Committee on Governmental Affairs, on July 31, 2003, the WAMY Conference in Riyadh in October 2002 was attended by the head of the HAMAS Political Bureau, Khalid Mishal (spelled Mashal in the testimony). Mishal was recently designated an SDGT on August 22, 2003, pursuant to Executive Order 13224. According to Winer, “Khaled Mashal was not just a peripheral guest of a peripheral organization -- WAMY; he actually had a four-eyes meeting with Crown Prince Abdullah, who actually chaired that WAMY conference.”

34. According to the Article “Combatting Terrorist Financing, Despite the Saudis,” by Matthew Levitt, dated November 1, 2002 (available on the Washington Institute for Near East Policy website), “an honored guest at this week’s [WAMY] conference was Hamas leader Khalid Mishal who lauded suicide bombers and called for a religious rulings justifying suicide operations at another Islamic Conference in January.”

35. The Articles of Incorporation for the International Institute of Islamic Thought (IIIT), dated October 8, 1980, which were included with the IIIT Application for Recognition of Exemption from Federal Income Tax (Form 1023), dated June 3, 1982, identify other individuals who were directors of WAMY at that time. These include Dr. Taha Jaber, whom I believe to be the same as Taha Jaber Al-Alwani, Dr. Abdul Hamid Abu Sulayman, and Dr. Jamal Barzinji. On this document Al-Alwani, Barzinji and Abu Sulayman listed their address as World Assembly of Muslim Youth, P.O. Box 5472, Riyadh, Saudi Arabia. Elsewhere, in a response to Part III of the Form 1023, Br. Anwar Ibahim, of Malaysia is listed as a trustee of WAMY.

I declare, under penalty of perjury that the foregoing is true and correct.

David C. Kane

Senior Special Agent

Bureau of Immigration and Customs Enforcement

Executed in Alexandria, VA

September 11, 2003